

STATEMENT OF BASIS (AI No. 42730)

for draft Louisiana Pollutant Discharge Elimination System permit No. **LA0036153** to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Bumble Bee Foods, LLC
Post Office Box 475
Violet, LA 70092

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Lisa Kemp

DATE PREPARED: October 1, 2009

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term

B. LPDES permits –

LPDES permit effective date: April 1, 2004

LPDES permit expiration date: March 31, 2009

C. Date Application Received: September 25, 2008; additional information received on July 30, 2009; a revised application was submitted on August 20, 2009.**2. FACILITY INFORMATION****A. FACILITY TYPE/ACTIVITY - tuna processing facility**

Operations have significantly changed at this existing facility. Bumble Bee Foods previously operated as a shrimp canning facility. The facility now plans to operate as a tuna processing facility. All shrimp peeling equipment has been removed and this will now be a tuna only processing facility. The facility is in start-up mode, but is not fully operating yet. Frozen tuna will be shipped from overseas. The tuna is received by truck at the facility, thawed in tanks of water, then gutted, sliced, diced, pressed, and ground up. Water and salt are added to make a slurry, which is then packed and frozen. The frozen product is then shipped back overseas to a tuna canning plant. The plant will operate year round for an average 17 days/month and plans are to process an average 17,000 lbs of fish per day.

Wastewaters from the tuna processing area, washdown wastewater, and stormwater flows to a screen, then is discharged directly to the Mississippi River. Sanitary wastewater is discharged to the St. Bernard Parish City Water & Sewerage System. Because canning no longer takes place at the facility, the boiler has been dismantled, so there are no longer discharges of boiler blowdown to the POTW. All solids from fish processing and other solid waste are transported to an off-site landfill.

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B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II – bpj points to zero as per administrative decision on seafood processors
3. Wastewater Type: II
4. SIC code: 2092

C. LOCATION - 2521 Packenham Road, in Violet, St. Bernard Parish
(Latitude 29° 54' 02", Longitude 89° 53' 43")

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: fish processing wastewater, equipment and floor washdown wastewater, and stormwater
Treatment: screening
Location: at the facility pump station, prior to being pumped to the river
(Latitude 29° 53' 57", Longitude 89° 54' 14")
NOTE: The facility pipe goes underground in a western direction and discharges directly to the Mississippi River
Flow: estimated flow is 0.037 MGD
Discharge Route: by pipe to the Mississippi River

4. RECEIVING WATERS

The facility is located in Subsegment 041805 of the Lake Pontchartrain Basin. However, the discharge is directly to the Mississippi River in Subsegment 070301 of the Mississippi River Basin.

STREAM - Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
d. drinking water supply

5. TMDL STATUS

Subsegment 070301, Mississippi River, is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

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6. CHANGES FROM PREVIOUS PERMIT

- A. The name has been changed from Bumble Bee Seafoods, LLC to Bumble Bee Foods, LLC.
- B. Bumble Bee Foods previously operated as a shrimp canning facility. The facility now plans to operate as a tuna processing facility. Therefore effluent limitations have been calculated based on 40 CFR Part 408, Subpart N – Tuna Processing Subcategory.
- C. Outfall 001 – Total Nitrogen and Total Phosphorus reporting were included in the previous permit to address impairments listed on LDEQ's Final 2002 303(d) List. Nitrogen and Phosphorus reporting are no longer required because Subsegment 070301, Mississippi River, is not listed on LDEQ's Final 2006 303(d) List as impaired.
- D. Because discharges from this facility flow into a drinking water protection area, language has been added to Other Conditions of the permit requiring the permittee to contact the nearby drinking water treatment facility in the event of any unauthorized discharge into the Mississippi River.

7. COMPLIANCE HISTORY/COMMENTS

- A. OEC – There are no open, appealed, or pending OEC enforcement actions as of September 24, 2009.
- B. DMR Review/Excursions – According to the application, the facility has been basically shut down since Hurricane Katrina in 2005. DMRs are on file. All DMRs after 2005 report "No Discharge" except for the fourth quarter of 2007. (see inspection report below)
- C. Inspections – A compliance inspection conducted on March 31, 2009 revealed the following:
 - 1. All washwater and process water is collected in a pit and then pumped over a screen to the final effluent.
 - 2. Samples are taken in a pumphouse prior to being pumped to the river.
 - 3. Discharge is located under water approximately 5 blocks away.
 - 4. Facility reopened from Katrina approximately 6/2007 (startup operations).
 - 5. DMRs not submitted for 1st semiannual of 2007; 2nd semiannual of 2008; 1st and 4th quarters of 2008 and 2nd and 3rd quarter of 2007.
 - 6. Facility could not provide an SWP3 plan.
 - 7. Mr. Dugan will submit missing DMRs and implement an SWP3 plan.
 - 8. All washdown and processing areas were very clean at the time of inspection.
 - 9. Operations and maintenance appeared to be satisfactory.
 - 10. No visible sheen or spilled product was noted at the time of inspection.

A follow-up inspection was conducted on June 19, 2009. Missing DMRs were submitted and Bumble Bee Foods has implemented a Stormwater Pollution Prevention

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Plan. A Notice of Corrected Deficiency dated July 9, 2009 was issued to the facility by the Southeast Regional Office.

8. EXISTING EFFLUENT LIMITS

Outfall 001 - shrimp processing wastewater (from peeling machines, blanching, cooling, and canning), equipment and floor washdown wastewater, and stormwater

| Pollutant | Limitation | | Frequency |
|---------------------|-------------|-----------|--------------|
| | Monthly Avg | Daily Max | |
| | Lbs/day | | |
| Flow (MGD) | Report | Report | Quarterly |
| TSS | 4560 | 13,200 | Quarterly |
| Oil and Grease | 1440 | 4320 | Quarterly |
| Total Nitrogen | Report | Report | Semiannually |
| Total Phosphorus | Report | Report | Semiannually |
| pH (standard units) | 6 (min) | 9 (max) | Quarterly |

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

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12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Bumble Bee Foods, LLC

1. **Outfall 001** - fish processing wastewater, equipment and floor washdown wastewater, and stormwater (estimated flow is 0.037 MGD)

| Pollutant | Limitation | | Reference |
|--------------------|------------------------|------------|----------------------|
| | Monthly Avg | Daily Max | |
| | lbs/day(unless stated) | | |
| Flow (gpd) | Report | Report | LAC 33:IX.2707.I.1.b |
| BOD ₅ | 137.7 | 340 | 40 CFR 408.145 |
| TSS | 51 | 127.5 | 40 CFR 408.145 |
| Oil & Grease | 12.9 | 32.3 | 40 CFR 408.145 |
| pH, standard units | 6.0 (min.) | 9.0 (max.) | 40 CFR 408.145 |

Treatment: screening

Monitoring Frequency: quarterly

Limits Justification:

New Source Performance Standards Guidelines based on 40 CFR 408.145, Subpart N (Tuna Processing). Date of promulgation of guidelines is December 1, 1975. The existing shrimp peeling equipment has been removed and the facility building was remodeled for processing tuna. The facility is in start-up mode, but is not fully operating yet. Calculations are based on pounds of raw fish, prior to processing, per day.

Calculations (Tuna – 408.145 NSPS)

BOD: Mo. Avg. = (17,000 lbs/day) X (8.1 lbs/1000 lbs seafood) = 137.7 lbs/day
Daily Max. = (17,000 lbs/day) X (20 lbs/1000 lbs seafood) = 340 lbs/day

TSS: Mo. Avg. = (17,000 lbs/day) X (3.0 lbs/1000 lbs seafood) = 51 lbs/day
Daily Max. = (17,000 lbs/day) X (7.5 lbs/1000 lbs seafood) = 127.5 lbs/day

Oil & Grease: Mo. Avg. = (17,000 lbs/day) X (0.76 lbs/1000 lbs seafood) = 12.9 lbs/day
Daily Max. = (17,000 lbs/day) X (1.9 lbs/1000 lbs seafood) = 32.3 lbs/day

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).